REMARKS

Fifty (50) claims were originally filed in the present application, and claims 1-50 currently stand rejected under 35 U.S.C. §102. Claims 1, 24, 48, and 49 are amended herein. In addition, new claims 51 through 65 are added herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Examination Of Claims 12-17, 20-21, 35-40, and 43-44

With regard to dependent claims 12-17, 20-21, 35-40, and 43-44, Applicants respectfully submit that both the initial Office Action and the subsequent Final Office Action completely fail to specifically discuss or address the limitations recited in dependent claims 12-17, 20-21, 35-40, and 43-44. Applicants therefore submit that claims 12-17, 20-21, 35-40, and 43-44 have thus far not received an adequate examination. Applicants also submit that claims 12-17, 20-21, 35-40, and 43-44 contain a substantial number of patentable elements and functionalities, and therefore merit a more thorough and complete examination. Applicants respectfully request the Examiner to consider claims 12-17, 20-21, 35-40, and 43-44, and then to provide an Office Action with a written discussion of that examination, so that Applicants may respond with further specificity to the corresponding rejections.

New Claims

In this Preliminary Amendment, Applicants have amended the originally-filed claims to include new claims 51 through 65. Applicants submit that new claims 51 through 65 contain a substantial number of patentable elements and functionalities that are not disclosed or suggested in the cited prior art. Applicants therefore respectfully request the Examiner to consider and allow new claims 51 through 65 so that these claims may issue in a timely manner.

35 U.S.C. § 102(e)

In paragraph 3 of the Final Office Action, the Examiner rejects claims 1-47, 49, and 50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,167,469 to Safai et al. (hereafter Safai). The Applicants respectfully traverse these rejections.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Safai fails to identically teach every element of the claims, and therefore, does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 1, 24, and 49, Applicants respond to the Examiner's §102 rejection as if applied to amended independent claims 1, 24, and 49. Amended independent claims 1, 24, and 49 are now amended to recite "*an image pump being implemented separately from*

said image source for receiving said image data" which are limitations that are not taught or suggested either by Safai or by the Examiner's citations thereto.

On page 2 of the initial Office Action, the Examiner stated with regard to Safai that "the digital camera reads on the image source, and figs. 2, 6, and 7 teach the image pump." Applicants respectfully disagree with the Examiner's interpretation of Safai, and submit that Safai teaches that "a digital camera executes an application program that enables a user of the camera to send one or more digital images . . . from the camera . . ." (see Abstract). Applicants submit that Safai teaches that the foregoing application program is *integral with the digital camera.*

In contrast, in certain embodiments of the present invention, Applicants disclose and claim an image pump that is *separate and discrete* from the image source (see FIGS. 1-3). For example, claim 1 clearly recites "*an image source*" and also recites as a separate element "*an image pump configured to receive said image data from said image source . . . .*" In order to more clearly describe the functionality of the claimed image source and the separately claimed image pump, claims 1, 24, and 49 have been amended to further describe the *"image pump being implemented separately from said image source for receiving said image data."*

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Safai to identically teach the claimed system, method, or computer readable medium, including, but not limited to "*an image pump being*

implemented separately from said image source for receiving said image data," Applicants therefore respectfully request reconsideration and allowance of claims 1, 24, and 49 so that these claims may issue in a timely manner.

With regard to claim 50, "means-plus-function" language is utilized to recite elements and functionality similar to those recited in claims 1, 21, and 49 as discussed above. Applicants therefore incorporate those remarks by reference with regard to claim 50. In addition, the Courts have frequently held that "means-plus-function" language, such as that of claim 50, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification,* and equivalents thereof.

Applicants respectfully submit that, in light of the substantial differences between the teachings of Safai and Applicants' invention as disclosed in the Specification, claim 50 is therefore not anticipated or made obvious by the teachings of Safai. Applicants specifically direct the Examiner's attention to Applicants' discussions of FIGS. 1, 2, 3, and 8 (Specification, page 6, line 27 through page 9, line 7, and page 13, line 26 through page 14, line 25) which describe in further detail the Applicants' claimed "means for sending said image data to an image pump" and "means for sending said image data to said service provider utilizing said image pump."

Regarding the Examiner's rejection of dependent claims 2-23 and 25-47, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or

suggested, the limitations of these claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants, therefore, respectfully request reconsideration and allowance of dependent claims 2-23 and 25-47 so that these claims may issue in a timely manner.

Furthermore, claims 4 and 27 recite that *"said image source communicates with said image pump via a wireless connection."* The Examiner states in the initial Office Action "[r]egarding the claimed wireless and hard wired connection refer to col. 6, lines 9-19, 51-65, cols. 13 and 18)." Applicants submit that the sections of Safai that are cited in support by the Examiner are not analogous to the communication paths between the image source and the image pump.

For example, Applicants submit that the "wireless connection" between the image source and the image pump, as recited in claims 4 and 27, would not be appropriate in Safai where the digital camera itself operates to transmit the image data to a destination. In other words, Safai teaches a single communication path between a digital camera and a destination, whereas Applicants disclose and claim two separate communication paths; one from the image source to the image pump, and one from the image pump to the service provider.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Safai to identically teach the claimed system, method, or computer readable medium, including, but not limited to *"an image pump being implemented separately from said image source for receiving said image data,"*

Applicants therefore respectfully request reconsideration and allowance of 1-47, 49, and 50 so that the present application may issue in a timely manner.

35 U.S.C. § 102(e)

In paragraph 4 of the Office Action, the Examiner rejects claim 48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,646 to Maurinus et al. (hereafter Maurinus). The Applicants respectfully traverse this rejection.

As discussed previously, "for a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Maurinus fails to identically teach every element of the rejected claim 48, and therefore, does not anticipate the present invention.

For example, claim 48 recites the step of "*reviewing said image data and said customer account information for accuracy . . .*" Applicants respectfully submit that Maurinus nowhere teaches or discusses reviewing transferred image data and customer account information for accuracy, as claimed by Applicants.

The Examiner states that "the intended use must result in a manipulative difference as compared to the prior art." The Examiner also states that "the intended use . . . must result in a structural difference . . . ." Applicants respectfully refer the Examiner to FIG. 8, and the Specification, page 14, lines 9-19 which discuss in further detail some of the "manipulative differences" and

"structural differences" employed in the present invention while "*reviewing said image data and said customer account information for accuracy . . .*"

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Maurinus to identically teach the claimed method, Applicants respectfully request reconsideration and allowance of claim 48 so that the present application may issue in a timely manner.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §102(e). Because Safai, Maurinus, or the Examiner's citations thereto, do not identically teach the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-65 so that the present Application may issue in a timely manner.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made." If there are questions concerning this amendment, the Examiner is invited to telephone the Applicants' undersigned representative at the number given below.

Respectfully submitted,

Goldstein et al.

Date: 6/13/02

By: _____

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Version With Markings To Show Changes Made

In The Claims:

1. (Twice Amended) A system for transferring image data to a service provider, comprising:

an image source; and

an image pump configured to receive said image data from said image source by at least one of a wireless connection, a hard-wired connection, and a form of removable storage, and responsively provide said image data to said service provider, said image pump being implemented separately from said image source for receiving said image data.

24. (Twice Amended) A method for transferring image data to a service provider, comprising the steps of:

capturing said image data utilizing an image source;

sending said image data from said image source to an image pump by at least one of a wireless connection, a hard-wired connection, and a form of removable storage, said image pump being implemented separately from said image source for receiving said image data; and

providing said image data to said service provider by utilizing said image pump.

48. (Once Amended) A method for transferring image data to a photography service provider, comprising the steps of:

capturing image data utilizing an image source;

sending said image data from said image source to an image pump;

attaching customer account information to said image data;

sending said image data and said customer account information from said image pump to said service provider;

reviewing said image data and said customer account information for accuracy, said photography service provider determining whether said image data and said customer account information have one or more transmission errors after being transferred from said image pump, said photography service provider requesting said image pump to transmit said image data and said customer account information again if said one or more transmission errors are detected;

providing requested photography services by said service provider; and

returning a final product in the form of one or more photographs to a user, said photography service provider then charging said user for said final product by referencing billing information from said customer account information.

49. (Once Amended) A computer-readable medium comprising program instructions for transferring image data to a service provider, by performing the steps of:

capturing image data utilizing an image source;

sending said image data from said image source to an image pump, said image pump being implemented separately from said image source for receiving said image data; and

providing said image data to said service provider by utilizing said image pump.

51. (New) A system for remotely transferring image data to a photography service provider, comprising:

an image source for initially providing said image data; and

an image pump configured to receive said image data from said image source via source transfer means between said image source and said image pump, said image pump responsively providing said image data to said photography service provider via destination transfer means between said image pump and said photography service provider, said image pump being implemented in a non-integral manner that is physically separate from said image source for receiving said image data, said photography service provider responsively processing said image data to produce one or more corresponding photographic images.

52. (New) The system of claim 51 wherein said image source may be implemented as one of a digital camera, an Internet-enabled computer device, a scanner device, a cellular telephone, and a portable-personal-digital assistant device, said image source having a data attachment capability for attaching text data and audio data to said image data, said text data and said audio data including user commentary information regarding said image data.

53. (New) The system of claim 51 wherein said source transfer means allows said image source to download said image data to said image pump, said source transfer means being external to said image source and said image pump, and wherein said destination transfer means allows said image pump to upload said image data to said photography service provider, said destination transfer means being external to said image pump and said photography service provider.

54. (New) The system of claim 53 wherein said source transfer means includes a wireless connection, a hard-wired connection, and a form of removable storage for alternately downloading said image data from said image source to said image pump, and wherein said destination transfer means includes a wireless connection, a hard-wired connection, and a form of removable storage for alternately uploading said image data from said image pump to said photography service provider.

55. (New) The system of claim 51 wherein said image pump includes a processor device that executes an image pump manager program to present individual images from said image data on a local display device for viewing by a system user, said system user using a local input device to select one or more desired images from said individual images for uploading to said photography service provider, said system user also utilizing said image pump manager program to attach specific photographic processing instructions to said one or more desired images for subsequent utilization by said photography service provider.

56. (New) The system of claim 51 wherein said image source includes an image-source processor device that downloads and executes an image pump manager program from said image pump to present individual images from said image data on a local image-source display device for viewing by a system user, said system user using a local image-source input device to select one or more desired images from said individual images for uploading to said photography service provider, said system user also utilizing said image pump manager program to attach specific photographic processing instructions to said one or more desired images for subsequent utilization by said photography service provider, said image pump device being economically implemented without an internal processor device.

57. (New) The system of claim 51 wherein said image pump is economically implemented in a simplified configuration that initially downloads said image data from said image source, a system user then limiting user interactions only to signaling said image pump to transfer said image data from said image pump to said photography service provider by physically activating basic image-data transfer means, said image pump being implemented without a video display and an internal central processing unit, said image pump having only said basic image-data transfer means for purposes of user interactions with said system user.

58. (New) The system of claim 51 wherein said image pump includes a processor device that executes an image pump manager program to attach customer account information to said image data for subsequent utilization by said photography service provider, said customer account information including a system user name, a system user address, a system user account number, and system user billing information.

59. (New) The system of claim 58 wherein a system user initially contacts said photography service provider to supply system user information, said photography service provider responsively generating said customer account information and sending said customer account information to said system user, who then locally stores said customer account information in an electronic format for access by said image pump manager program for attaching to said image data prior to uploading said image data to said photography service provider.

60. (New) The system of claim 58 wherein said photography service provider analyzes said image data and said customer account information for accuracy to determine whether said image data and said customer account information are acceptable after being transferred from said image pump via said destination transfer means, said photography service provider checking said image data for formatting errors and comparing said customer account information with local customer information records for account errors, said photography service provider requesting said image pump to transmit said image data and said customer account information again if one of said formatting errors and said account errors are detected.

61. (New) The system of claim 51 wherein said image pump includes a processor device that executes an image pump manager program to convert said image data from said image source into a compatible data format for subsequent utilization by said photography service provider.

62. (New) A method for remotely transferring image data to a photography service provider, comprising the steps of:

capturing image data by utilizing an image source;

providing said image data to an image pump that is integral with said image source;

converting said image data into an image data format that is compatible with said photography service provider by utilizing an image pump manager program;

attaching user-defined image selection information, user-defined photography processing instructions, and customer account information to said image data by utilizing said image pump manager program;

transferring said image data and said customer account information from said image pump to said service provider;

reviewing said image data and said customer account information for accuracy at said photography service provider;

providing requested services to said image data by said service provider; and

returning a final photograph product to a user.

63. (New) The method of claim 62 wherein said image source is implemented as one of a scanner device, a cellular telephone, a portable personal-digital-assistant device, and an Internet-enabled computer device that downloads said image data from an Internet source.

64. (New) The method of claim 62 wherein said image source includes a processor device that executes an image pump manager program to convert said image data into a compatible data format for subsequent utilization by said photography service provider.

65. (New) The method of claim 62 wherein said image source includes a processor device that executes an image pump manager program to attach customer account information to said image data for subsequent utilization by said photography service provider, said customer account information including a system user name, a system user address, a system user account number, and system user billing information, said photography service provider analyzing said image data and said customer account information for accuracy to determine whether said image data and said customer account information are acceptable after being transferred from said image pump via said destination transfer means, said photography service provider checking said image data for formatting errors and comparing said customer account information with local customer information records for account errors, said photography service provider requesting said image pump to re-transmit said image data and said customer account information if one of said formatting errors and said account errors are detected..